

1 EDMUND G. BROWN JR.
Attorney General of the State of California
2 DAVID S. CHANEY
Chief Assistant Attorney General
3 FRANCES T. GRUNDER
Senior Assistant Attorney General
4 MICHAEL W. JORGENSEN
Supervising Deputy Attorney General
5 LISA SCIANDRA, State Bar No. 246532
Deputy Attorney General
6 455 Golden Gate Avenue, Suite 11000
San Francisco, CA 94102-7004
7 Telephone: (415) 703-5846
Fax: (415) 703-5480
8 Email: Lisa.Sciandra@doj.ca.gov

9 Attorneys for Defendants Curry, Chudy, Hill, Hedrick,
Raghunath, Grannis, Aboytes and Klein
10

11
12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 **RONALD BRATTON,**

16 Plaintiff,

17 v.

18 **BEN CURRY,**

19 Defendants.
20

Case No. C 07-2928 JSW

**DECLARATION OF N.
GRANNIS IN SUPPORT OF
DEFENDANTS' MOTION TO
DISMISS**

21 I, N. GRANNIS, declare as follows:

22 1. I am employed by the California Department of Corrections and Rehabilitation
23 (CDCR) as the Chief of the Inmate Appeals Branch. I am competent to testify to the matters set
24 forth in this declaration, and if called upon to do so, I would and could so testify. I submit this
25 declaration in support of Defendants' Motion to Dismiss.

26 2. I am familiar with the sections of Title 15 of the California Code of Regulations that
27 govern an inmate appeal. Section 3084.5 describes the levels of appeal that are available to an
28 inmate. Section 3084.5(e)(2) provides that "[t]hird level review constitutes the director's

Decl. N. Grannis in Support Mot. to Dismiss

R. Bratton v. B. Curry, et al.
C 07-2928 JSW

1 decision on an appeal, and shall be conducted by a designated representative of the Director
2 under supervision of the chief, inmate appeals.” Attached as exhibit A is a copy of the sections
3 relevant to inmate appeals, updated through September 7, 2007.

4 3. Attached as exhibit B is the CDC Form 602 used by an inmate when the inmate files an
5 administrative appeal. The CDC Form 602 informs inmates of how to proceed “if dissatisfied”
6 with a particular level of decision.

7 4. The Director’s decision exhausts the administrative remedies available to an inmate
8 within CDCR. The Director’s decision also advises an inmate that the decision constitutes the
9 exhaustion of administrative remedies available to the inmate within CDCR.

10 5. The Inmate Appeals Branch keeps an electronic record of each inmate appeal that has
11 proceeded through the final level of review, the Director’s Level, also referred to as the third
12 level. When an appeal is received by the Inmate Appeals Branch and is accepted for review, it
13 will be given an appeal number and will be logged into the system. The system was commenced
14 in 1993. The following information will be kept in the electronic record: Inmate Appeals Branch
15 (IAB) log number; category (nature/subject) of the appeal; institutional log number of the appeal;
16 inmate name and CDCR number; institution where the appeal arose; date that the appeal is
17 received and closed; and the final disposition of the appeal.

18 a. CDCR does not keep copies of appeals that have been screened out. These
19 appeals are returned to the inmate with a letter that explains the reason for the screen out and
20 instructs the inmate what to do if the inmate disagrees with the lower-level disposition of the
21 appeal. CDCR does, however, keep the following information in the electronic record for screen
22 outs: IAB log number; category (nature/subject) of the appeal; institutional log number of the
23 appeal (if available); inmate name and CDCR number; institution where the appeal arose; date
24 that the appeal is received; date the appeal is screened out; and the reason for the screen out. The
25 electronic record keeping system was revised in July 2007. Records in the new electronic record
26 keeping system that were imported from the old system currently display the same date for when
27 the appeal was received and when it was screened out, even if the appeal was screened out on a
28 later date than it was received.

1 6. A search of the computerized system has been conducted for Inmate Ronald Bratton.
2 CDCR number J-45341. Attached as exhibit C is a true and correct copy of the Inmate Appeals
3 Branch computer printout report of each inmate appeal that was submitted by Inmate Bratton
4 that was either accepted for review or screened out at the Director's Level.

5 a. Exhibit C shows that appeal log number CTF-07-00286 was completed at the
6 Director's level of review on May 21, 2007.

7 b. Exhibit C also shows that an appeal concerning the issue of living conditions was
8 received on April 6, 2007. This appeal was screened out because it was not completed through
9 the second level of review.

10 I declare under penalty of perjury that the foregoing is true and correct. Executed at
11 Sacramento, California, on June 19 ~~Sacramento~~ 2008.

12
13 
14 N. Grannis
Chief, Inmate Appeals Branch
15
16
17
18
19
20
21
22
23
24
25
26
27
28